

REMARKS

This amendment is submitted in an earnest effort to bring this case to issue without delay.

Applicant wishes to reiterate his claim to the benefit of his Dutch priority date of 28 November 2002 pursuant to the International Convention. A certified copy of the Netherlands Patent Application 1022059 filed 28 November 2002 has been made of record as part of Applicant's PCT/NL 2003/000834 filed 26 November 2003 of which the instant application is the US National Phase. The Examiner has already acknowledged Applicant's perfected right of priority.

Applicant is submitting a substitute specification with the proper headings according to US Patent Practice as well as correction of some minor informalities appearing in the specification. Applicant has inserted no new matter in the application.

Applicant is submitting a new abstract of the disclosure.

Applicant notes the Examiner's objection to the drawings. The Examiner has pointed out that page 3, line 13, and page 4, line 8 each use the reference numerals 5 and 9, respectively, to designate a heat exchanger. Yet on page 4, line 3, Applicant designates an evaporator with reference numeral 9. Applicant has checked over the specification and it appears that page 4, line 8 should indicate that the heat exchanger bears reference numeral 19,

not reference numeral 9. See Figure 1 for antecedent basis. Applicant notes that the heat exchanger 19 in the pit and the heat exchanger 5 in the basin are two different heat exchangers. Applicant has made the correction of the reference numeral 19 in the substitute specification that accompanies this amendment.

In view of the above, Applicant asks that the Examiner reconsider her request for substitute drawings since the reason for the confusion in the reference numerals was a typographical error in the specification, and not the drawings.

Applicant has canceled claims 6, 7 and 8 and replaced those claims with new claims 16 through 18. Applicant's new claims 16 through 18 recite positive elements and are not narrative inform. Applicant has also avoided the expression "characterized in that" to which the Examiner objected in claims 6 through 8. Thus claims 6 through 8 are believed to be in full compliance with US patent Practice. Antecedent basis for new claims 6 through 8 may be found in the specification on pages 1 through 4.

Applicant has also amended independent method claim 9. Claims 11 and 12 remain dependent on method claim 9. Applicant has canceled claims 10 and 11 and replaced those claims with claims 14 and 15. Applicant has drafted claim 14 as an independent claim. Applicant notes that the Examiner has indicated in the office action that claims 10 and 11 were allowable over the cited prior art and so applicant has replaced claim 10 with independent claim

14. Therefore at the outset Applicant believes that claims 14 and 15 are allowable over the cited prior art.

Applicant has also amended claim 9 to more sharply define the invention over the cited prior art references, namely, the combination of WEINBERGER et al with either MARKOPULOS or CORNIEL. Now that Applicant has emphasized that the salt-containing water that passes through the basin in the heat exchanger is heated by indirect heat exchange with the solar-heated water contained in the basin, as well as the fact that the layers of brine in the basin that heat the salt containing water by indirect heat exchange have increased salt content over the layer of brine lying above, Applicant believes that all of the method claims, not just claims 14 and 15, patentably distinguish over the combination of prior art references. Applicant also believes that claims 16 through 18, directed to the desalination plant, patentably distinguish over the cited combination of references for the same reason.

Applicant believes that all claims now presented are allowable and a response to that effect is earnestly solicited. Payment to cover the cost of the three month extension accompanies this amendment.

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